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14 Attorneys for Defendant  
15 Kenneth E. Lonchar

16 UNITED STATES DISTRICT COURT  
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18 NORTHERN DISTRICT OF CALIFORNIA  
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20 SAN JOSE DIVISION  
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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

MARK LESLIE, et al,

Defendants.

Case No. C 07-3444 JF

**JOINT STIPULATION AND  
[PROPOSED] ORDER RE BRIEFING  
SCHEDULE FOR MOTIONS TO  
DISMISS**

Complaint Filed: 07/02/2007  
Judge: Hon. Jeremy Fogel

1 This Stipulation is entered into by and among plaintiff, the Securities and Exchange  
2 Commission ("SEC"), and defendants Mark Leslie, Kenneth E. Lonchar and Paul A. Sallaberry  
3 (collectively, "Defendants"), through their respective attorneys of record.  
4

5 WHEREAS plaintiff SEC filed its complaint in this action on July 2, 2007;  
6

7 WHEREAS, Defendants' answers to the Complaint or responsive pleading are due on or  
8 before September 18, 2007;

9 WHEREAS the parties jointly agree that establishing an extended briefing schedule is  
10 appropriate in light of the complex nature of the issues raised in this case;  
11

12 NOW THEREFORE, the above referenced parties to this action, by and through their  
13 attorneys, hereby jointly submit this proposed order to the Court to set the briefing schedule as  
14 follows:  
15

- 16 1. Defendants shall file and serve their motions to dismiss the Complaint on or before  
17 October 5, 2007;  
18
- 19 2. Plaintiff shall file and serve its opposition briefs on or before November 30, 2007;  
20
- 21 3. Defendants shall file and serve their reply briefs in support of their motions to dismiss  
22 the Complaint on or before December 14, 2007;  
23
- 24 4. Plaintiff will seek leave to file any surreplies if necessary; and
- 25 5. Plaintiff and Defendants further request that this Court hold a hearing on the matter  
26  
27  
28

on January 18, 2008 at 9:00 a.m.<sup>1</sup>

**IT IS SO STIPULATED AND AGREED**

Dated: September 12, 2007

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

/S/

EDWARD P. DAVIS, JR.  
SUSAN D. RESLEY

*Attorneys for Defendant, Kenneth E. Lonchar*

Dated: September 12, 2007

FARELLA BRAUN & MARTEL LLP

/S/ (with authority and permission)

DOUGLAS YOUNG  
WILLIAM P. KEANE  
AMARRA A. LEE

*Attorneys for Defendant, Mark Leslie*

Dated: September 12, 2007

SHARTSIS FRIESE LLP

/S/ (with authority and permission)

JAHAN P. RAISSI  
GREGG S. FARANO

*Attorneys for Defendant, Paul A. Sallaberry*

Dated: September 12, 2007

SECURITIES AND EXCHANGE COMMISSION

/S/ (with authority and permission)

RICHARD HONG

*Attorneys for Plaintiff, Securities & Exchange  
Commission*

<sup>1</sup> The hearing date and time was proposed to counsel by the Court's staff.

\* \* \*

**[PROPOSED] ORDER**

IT IS SO ORDERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA